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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,158	12/15/2000	Lahcen Bennai	Q62302	8386

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EXAMINER

JUNTIMA, NITTAYA

ART UNIT

PAPER NUMBER

2663

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/736,158

Applicant(s)

BENNAI ET AL.

Examiner

Nittaya Juntima

Art Unit

2663

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 3, 5, and 6 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the original declaration does not claim the priority of a prior foreign application 98 08 065. However, the submission of priority document, paper no. 6, indicates a claim to priority on a certified copy of the same application. If the priority of the application 98 08 065 is to be claimed, a new oath/declaration indicating so is required.

Specification

2. The disclosure is objected to because of the following informalities:

- on page 6, line 36, "effected" should be changed to "affected;" and
- on page 10, line 16, "2" should be changed to "6."

Appropriate correction is required.

Claim Objections

3. Claims 1-2, 4, and 6 are objected to because of the following informalities:

- in claim 1, line 8, "said" should be added before "another;"
- in claim 2, line 15, "other" should be changed to "another;"

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- in claim 4, lines 7-8, "that standard" should be changed to "said QSig-GF standard" to avoid any confusion as what standard the claim is referring to;

- in claim 6, line 3, "signaling" should be deleted."

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1 and 6** are rejected under 35 U.S.C. 102(b) as being anticipated by an art of record EP 0 857 004 A2 ("Benchellal").

Per **claim 1**, as shown in Fig. 1, Benchellal teaches that *a channel* (an X.25 channel) is set up once and for all that conforms to *said another standard* (X.25) and does not conform to the ISDN standard, *signaling data in the format of the ISDN standard* (QSig signals on D channel from the ISDN terminal 1) is converted into *data in a format accepted by the channel conforming to the other standard* (X.25 data), *the signaling data converted in this way is sent* (X.25 data is sent through X.25 network), and when it is received, *the signaling data is converted reciprocally into signaling data to the ISDN standard format* (data on X.25 is converted back to data on ISDN D channel to be delivered to a PBX3). See col. 2, ll 29-47.

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Per **claim 6**, Benchellal teaches that *data messages* (data or voice) are sent on *a channel other than said channel of a type that does not conform to the ISDN standard* (ISDN B channel). See col. 2, ll 4-12.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over an art of record EP 0 857 004 A2 ("Benchellal").

Per **claim 3**, Benchellal fails to teach that surveillance signals are sent periodically on the channel conforming to said other standard, and correct operation of said channel conforming to said other standard is tested.

However, it is well known in the art that one of many channel testing techniques for testing whether a channel is in operating condition and conforming to a X.25 protocol/configuration is to insert periodic test signals or test bit patterns into a channel and verify the results accordingly.

Therefore, it would have been obvious to one skilled in the art to incorporate the well known testing technique into the teaching of Benchellal such that *surveillance signals* (not defined, read on test signals) are sent periodically on the channel conforming to said other standard (X.25 standard), and correct operation of the channel conforming to said other standard

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is tested. The suggestion/motivation to do so would have been to ensure that the channel (X.25 channel) is in a working condition for implementation and/or maintenance purposes.

7. **Claim 5** is rejected under 35 U.S.C. 103(a) as being unpatentable over an art of record EP 0 857 004 A2 ("Benchellal") in view of *The QSIG Handbook* by InterConnect Communications Ltd ("ICC").

Per claim 5, Benchellal teaches that *the signaling data* (QSig signals) comprises *message scheduling data* (call set up message for connecting to PBX 3, col. 2, ll 38-57) and that the signaling data (QSig signals) are converted between ISDN and X.25 in order for the data to be exchanged between ISDN terminal 1 and PBX3 (col. 2, ll 38-57).

However, Benchellal fails to teach that the signaling data also comprises flow control data and security data.

It is well known in the art that when the called party's line is busy, the caller will get *a flow control data*, i.e. busy signal, indicating that congestion on the called party's line which is provided as a basic service in any PBX/telephony communication.

ICC teaches that QSig standard supports *security data* (not defined, reads on calling/connected line identification restriction, pg. 50).

Given the well known flow control data (busy signal) and ICC teaching of security data (calling line identification), it would have been obvious to one skilled in the art to include flow control data and security data into the teaching of Benchellal such that the signaling data (QSig signals) would also comprise flow control data and security data. The motivation/suggestion to do so would have been to notify the caller that the called party's line is busy and to allow the caller to choose whether to pass his/her number to the called party.

Allowable Subject Matter

8. Claims 2, and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

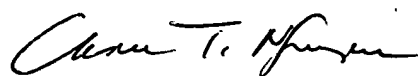
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nittaya Juntima whose telephone number is 703-306-4821. The examiner can normally be reached on Monday through Friday, 8:00 A.M - 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 703-308-5340. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nittaya Juntima
May 12, 2004

NS



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